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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                   UNITED STATES OF AMERICA,

11                   Plaintiff,

12                   v.

13                   JUAN VALENCIA-LOPEZ and  
14                   JOSE RUIZ-VELASQUEZ,

15                   Defendants.

CASE NO. CR06-50C

ORDER

This matter comes before the Court on the joint motion of the United States of America and Defendants Juan Valenciz-Lopez and Jose Ruiz-Velasquez to continue the trial date (Dkt. No. 48).

The current pretrial motions cut-off date was December 15, 2006, and the current trial date is January 22, 2007. Defendants Valenciz-Lopez and Ruiz-Velasquez have joined in the requested continuance, and the Government agrees that a continuance is necessary to allow Defendants to complete discovery and prepare for trial. Accordingly, Valenciz-Lopez and Ruiz-Velasquez have waived speedy trial rights through May 21, 2007, and June 30, 2007, respectively (Dkt. Nos. 45 and 49).

Given the complex nature of this case, the Court finds that a denial of the requested extensions would unreasonably deny Defendants adequate preparation by their attorneys and would deny counsel reasonable time to prepare. Due to these factors, exclusion of additional time under 18 U.S.C. §

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3161(h)(8)(B)(iv) is appropriate.

The proposed continuance of the trial does not appear to prejudice any party. The Court finds that failure to grant the requested continuance likely would result in a miscarriage of justice. The Court further finds that the interests of the public and the Defendants in a speedy trial are outweighed by the ends of justice, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

Accordingly, IT IS HEREBY ORDERED that the pre-trial motions cut-off date shall be extended until April 2, 2007, with a new trial date of May 7, 2007. Voir dire, Trial Briefs, and Jury Instructions shall be due by May 3, 2007. The time between January 22, 2007 and the new trial date shall be excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

SO ORDERED this 19th day of January, 2007.

John C. Coughenour  
John C. Coughenour  
United States District Judge

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